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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,913	06/29/2005	Albrecht Schneider	P08127US00/MP	8702
881 7590 06/18/2009 STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			EXAMINER FLORES SANCHEZ, OMAR	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 06/18/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/540,913

**Applicant(s)**

SCHNEIDER, ALBRECHT

**Examiner**

Omar Flores-Sánchez

**Art Unit**

3724

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-17, 19-21 and 23 is/are rejected.
- 7) ☒ Claim(s) 9, 10 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to applicant's amendment received on 03/17/09.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 11-17, 19-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosene et al. (5,752,424) in view of Wei (5,528,963).

Rosene et al. discloses the claimed invention including a die plunger 20, a guide bushing 26, a bore 50, an annular groove 96 (see Fig. 11, the area close to the stabilizing surface 98 form an annular groove), holding elements/balls 55, transverse bores 60, a punch die 90, a flange 100 and transverse bores are tapered (see Fig. 3). Rosene et al. teaches a C-ring 80 instead of a washer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the C-ring of Rosene et al. by providing washer, since the Examiner takes Official Notice of the equivalence of the washer and C-ring for their use in the locking art and the selection of any of these known equivalents to retain the locking element would be within the level of ordinary skill in the art.

Also, Rosene et al. doesn't show an elastic washer in contact with the holding elements and an annular groove. However, Wei teaches the use of an elastic washer 56 in contact with the

holding elements 54 and an annular groove (see Fig. 5A) for the purpose of having a simple that maintain a tight contact. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Rosene et al. by providing the elastic washer as taught by Wei in order to obtain a device that have a simple that maintain a tight contact.

Also, the outer diameter of which the elastic washer/C-ring 80 is less in the engagement position than the inner diameter of the guide bushing (see Fig. 13A), and which elastic washer/C-ring 80 can be widened to a diameter greater than the inner diameter of the guide bushing when the die plunger is removed from the guide bushing (C-ring can be widened to a diameter greater when the pin 81 is forced to slides out of a dimple 65 causing the C-ring to expand). Regarding, the elastic washer made of steel is inherently disclosed, since the C-ring of steel is old and well known in the art. Also, the rear end face of the punching die rests against the bottom of the bore in the die plunger (see Fig. 12A). Also, the C-ring 80 provides radially biasing force by forcing the locking element to a locked position biasing the bearing 55 in contact with the surface 96 of the tool (col. 5, lines 58-60).

***Allowable Subject Matter***

4. Claim 22 is allowed.
5. Claims 9-10 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jore, Wienhold, Johnson, Felmet and Robison are cited to show related device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. F./  
Examiner, Art Unit 3724  
6/9/2009  
/Boyer D. Ashley/  
Supervisory Patent Examiner, Art Unit 3724